

# AGREEMENT

03 - 109

BETWEEN

THE GOVERNMENT OF THE UNITED STATES OF  
AMERICA

AND

THE GOVERNMENT OF THE REPUBLIC OF ESTONIA  
ON

THE PROTECTION AND PRESERVATION  
OF CERTAIN CULTURAL PROPERTIES

The Government of the United States of America and the Government of the Republic of Estonia, (hereafter referred to as Parties)

*Desirous* of successful mutual cooperation in the field of cultural heritage,

*Convinced* that such an agreement will contribute to the strengthening of numerous contacts between the two states,

*Bearing* in mind the respect due to fundamental human rights, and seeking to promote understanding, tolerance and friendship among all nations, racial and religious groups,

*Convinced* that each culture has a dignity and a value which must be respected and preserved, and that all cultures form part of the common heritage belonging to all mankind,

*Desiring* to enhance the protection of cultural heritage and provide access to treasures of national and world culture without discrimination,

*Considering* that deterioration or disappearance of items of the cultural heritage constitutes an impoverishment of the heritage of all the nations of the world,

*Considering* that the protection of cultural heritage can be effective only if organized both nationally and internationally among states working in close cooperation,

*Considering* the principles of the Helsinki Final Act of the Conference on Security and Cooperation in Europe, and

*Desirous* of elaborating concrete steps in furtherance of the principles and purposes of the 1972 Convention for the Protection of the World Cultural and Natural Heritage with respect to certain items of cultural heritage of the victims of genocide,

*Have agreed as follows:*

#### ARTICLE 1

Each Party will take appropriate steps to protect and preserve the cultural heritage of all national, religious, or ethnic groups (hereafter referred to as "groups") that reside or resided in its territory, including victims of genocide during the Second World War.

The term "cultural heritage" for the purposes of this Agreement means places of worship, sites of historical significance, monuments, cemeteries, and memorials to the dead, as well as archival materials relating thereto.

#### ARTICLE 2

The Parties shall cooperate in identifying a list of appropriate items, which fall within the scope of Article 1, particularly those which are in danger of deterioration or destruction.

#### ARTICLE 3

Each Party will ensure that there is no discrimination, in form or in fact, against the cultural heritage of any group referred to in Article 1 or against the nationals of the other Party in the scope and application of its laws and regulations concerning:

- (a) the protection and preservation of their cultural heritage;
- (b) the right to contribute to the protection and preservation of their cultural heritage; and
- (c) public access thereto.

#### ARTICLE 4

In cases where a group concerned, referred to in Article 1, is unable, on its own, to ensure adequate protection and preservation of its cultural heritage, each Party shall take special steps to ensure such protection and preservation of cultural heritage within its territory and shall invite the cooperation of the other Party and its nationals where assistance is required for this purpose.

#### ARTICLE 5

Properties of cultural heritage, referred to in Article 4, that are of special significance shall be designated in a list of items of cultural heritage. Such a list shall be publicly announced and communicated to competent federal, state, and local authorities.

All properties of cultural heritage so designated shall be protected, preserved, and marked in the manner stipulated by valid legal internal regulations of either Party. Public access thereto shall be ensured.

Such a list of items of cultural heritage shall be designated by the Commission referred to in Article 6 hereof. The Commission may also designate properties for inclusion in the list at any time.

## ARTICLE 6

A Joint Cultural Heritage Commission (JCHC) is hereby established to oversee the operations of a list referred to in Articles 2 and 5, and to perform such other functions as are delegated to it by the Parties. Each Party shall appoint one or more member(s) to the JCHC, who may be assisted by alternates and advisers. Decisions of the JCHC shall require the assent of all members. The Parties shall cooperate in supplying the JCHC with access to the items of cultural heritage and information necessary for the execution of its responsibilities.

Each Party through its representative on the JCHC referred to in the first paragraph hereof may request that special arrangements, as appropriate, be worked out under the procedures of the JCHC to protect and preserve the cultural heritage in the territory of the other Party of groups not covered under Article 1, in cases where such cultural heritage is associated with the cultural heritage abroad of citizens of the requesting Party and is in need for any reason of protection and preservation. The other Party will consider steps, within the scope of its laws and regulations, to respond to the request.

The United States Commission for the Preservation of America's Heritage Abroad shall be the Executive Agent for implementing this Agreement on the American side. The National Heritage Board of the Republic of Estonia shall be the Executive Agent for implementing this Agreement on the Estonian side. Either Party may, by diplomatic note to the other, change its Executive Agent.

## ARTICLE 7

Nothing in this Agreement shall be construed to relieve either Party of its obligations under the 1972 Convention for the Protection of the World Cultural and Natural Heritage or any other agreement for the protection of cultural heritage.

## ARTICLE 8

This Agreement shall be implemented in accordance with the laws and regulations of both countries and the availability of funds.

## ARTICLE 9

Disputes concerning the interpretation or application of this Agreement shall be submitted to the Agents referred to in the third paragraph of Article 6.

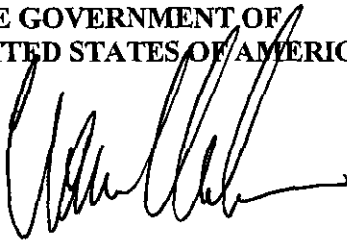
## ARTICLE 10

This Agreement shall enter into force upon an exchange of diplomatic notes by which the Parties inform each other about the fulfillment of their respective legal requirements necessary for this Agreement's entry into force. It may be amended by mutual written agreement of the Parties.

This Agreement shall remain in force until terminated by either Party giving six months prior written notice through diplomatic channels to the other Party of its intention to terminate this Agreement.

DONE at Tallinn, on this 16<sup>th</sup> day of January 2003, in duplicate, in the English and Estonian languages, each text being equally authentic.

FOR THE GOVERNMENT OF  
THE UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF  
THE REPUBLIC OF ESTONIA:

